

STATE OF SOUTH CAROLINA ) BEFORE THE STATE ETHICS COMMISSION  
COUNTY OF RICHLAND )

In the Matter of: )  
COMPLAINT C2010-055 )

David Edmond, )  
Respondent, )

State Ethics Commission, )  
Complainant. )  
\_\_\_\_\_ )

**RECEIVED**

DEC 28 2011

**STATE ETHICS  
COMMISSION**

**DECISION AND ORDER**

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on December 11, 2009. On March 17, 2010, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2009), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, David Edmond, with one violation of Section 8-13-1308, and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on November 16, 2011 were Commission Members Priscilla L. Tanner, George Carlton Manley, and E. Kay Biermann Brohl, Hearing Chair. Respondent was present and appeared *pro se*. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

**COUNT ONE**  
**FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(D), S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, David Edmond, a candidate for Richland County District One School Board, on or about October 27, 2008, did fail to timely file a corrected pre-election Campaign Disclosure Report.

**STATEMENT OF FACTS**

1. The Respondent, David Edmond, was a candidate for Richland County District One School Board in an election held on November 4, 2008.

2. Investigator Dan Choate testified that Respondent filed a pre-election campaign disclosure form (CD) on October 27, 2008. The CD reported \$190.00 in total contributions and \$190.00 in total expenditures. On February 11, 2009 the CD was returned to him for correction in that contributions and expenditures were not itemized. Respondent was advised to return the CD within ten days. By letter dated September 3, 2009, Respondent was advised that his CD had not been received and a late filing penalty was being levied. By certified letter dated October 7, 2009, Respondent was reminded that his CD had not been received. By letter dated December 15, 2009, he was advised that a complaint had been filed against him.

3. Investigator Choate testified that on December 22, 2009 he left a message at Respondent's listed telephone regarding the late CD and penalty. On May 19, 2010 Respondent filed the CD; however, the late-filing penalty of \$5,000.00 was not paid.

4. Respondent testified that he did not dispute Investigator Choate's testimony. Respondent moved several times during the period that correspondence was being sent to him, so he did not know for some time that there was problem with his form.

#### **CONCLUSIONS OF LAW**

Based upon the Findings of Fact, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, David Edmond, was a candidate as defined by Section 8-13-1300(4).

2. The State Ethics Commission has personal and subject matter jurisdiction.

3. Section 8-13-1308(D)(1) provides:

At least fifteen days before an election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee for the period ending twenty days before the election. The candidate or committee


must maintain a current list during the period before the election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars. The list must be open to public inspection upon request.

4. Section 8-13-1510(1) provides as follows:

Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if not filed within five days after the established deadline provided by law in this chapter;

**DECISION**

 NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the State Ethics Commission has determined based upon a preponderance of evidence that Respondent David Edmond is in violation of Section 8-13-1308(D); and therefore, Respondent David Edmond is hereby assessed a reduced late-filing penalty of \$150.00. The reduced late filing penalty of \$150.00 must be paid within 60 days of receipt of the signed order or it will revert to the original \$5,000.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320(14), a Judgment in the amount of \$5,000.00 is, and shall be entered against Respondent.

IT IS FURTHER THE ORDER OF THIS COMMISSION that the Clerk of Court of the County in which Respondent was last known to reside shall enter this Order in its Judgment Rolls, without cost to the State Ethics Commission, in the amount of \$5,000.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent David Edmond has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

AND IT IS SO ORDERED THIS 23rd DAY OF December 2011.

STATE ETHICS COMMISSION



E. KAY BIERMANN BROHL  
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA